

Philippines

	2016	2017		
Internet Freedom Status	Free	Free	Population:	103.3 million
Obstacles to Access (0-25)	9	9	Internet Penetration 2016 (ITU):	55.5 percent
Limits on Content (0-35)	5	6	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	12	13	Political/Social Content Blocked:	No
TOTAL* (0-100)	26	28	Bloggers/ICT Users Arrested:	No
			Press Freedom 2017 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: June 2016 – May 2017

- Access continued to improve, and President Duterte announced an ICT infrastructure investment that is expected to expand services over the next decade (see "**Availability and Ease of Access**").
- Mobile service shutdowns were reported in some major cities during festivals considered to present a security risk (see "**Restrictions on Connectivity**").
- Reports of paid online commenters published during the reporting period shed light on attempts to manipulate social media in advance of Duterte's election; pro-Duterte commenters remain highly vocal since he came to power (see "**Media, Diversity, and Content Manipulation**").
- Websites run by the Philippine Center for Investigative Journalism and the National Union of Journalists of the Philippines were disabled by cyberattacks (see "**Technical Attacks**").

Introduction

Internet freedom declined in 2017, even though access improved. Mobile service shutdowns were implemented in major cities and content manipulation and cyberattacks threatened to distort online information.

President Rodrigo Duterte, who was elected in May 2016, said that corrupt journalists deserved to be assassinated in his first press conference, a troubling omen for freedom of expression. During the past year, several news reports detailed his campaign's use of paid commenters to create the impression of widespread support for his candidacy; similar accounts remained active in 2017. The Philippine Center for Investigative Journalism had its website hacked after publishing a report about Duterte's war on drugs, which has resulted in thousands of extrajudicial killings.

The threat of criminal liability may also deter free speech online. A 2012 cybercrime law criminalized online libel as a distinct offense, and the Supreme Court upheld the clause in 2014. Nearly 500 libel cases had been filed under the law in mid-2017, and cases that would be punished with civil penalties in other countries may result in prison sentences.

Obstacles to Access

Internet penetration and average connection speeds improved in 2017, though the government ordered the shutdown of mobile phone networks during major events in a handful of cities in 2017. A new national body, the Department of Information and Communications Technology (DICT), took over ICT development and regulation.

Availability and Ease of Access

Key Access Indicators		
Internet penetration (ITU) ^a	2016	55.5%
	2015	40.7%
	2011	29.0%
Mobile penetration (ITU) ^b	2016	109%
	2015	118%
	2011	99%
Average connection speeds (Akamai) ^c	2017(Q1)	5.5 Mbps
	2016(Q1)	3.5 Mbps

^a International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2016," <http://bit.ly/1cblxxY>.

^b International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2016," <http://bit.ly/1cblxxY>.

^c Akamai, "State of the Internet - Connectivity Report, Q1 2017," <https://goo.gl/TQH7L7>.

Internet penetration is steadily increasing, and speeds improved during the reporting period, though the quality of service remains comparatively low (see "Key Access Indicators").

Connectivity is concentrated mainly in urban areas, while rural areas remain largely underserved.¹ To bridge this gap, the new administration has expanded former President Benigno Aquino, Jr.'s efforts

¹ John Carlos Rodriguez, "How many Filipinos are still not connected to Internet?" *ABS-CBN News*, October 3, 2014, <http://bit.ly/1Nkv4nd>.

to reach more people in rural areas. President Rodrigo Duterte's National Broadband Plan aims to increase investment from new and existing telecom providers; reach places outside major cities using technologies such as TV White Space; and to develop the PHP78-billion (\$1.4 billion) Philippine Integrated Infostructure that promises to provide affordable internet services to unserved and underserved areas with speeds of up to 10 Mbps by 2020.

Mobile phones remain the most widely used wireless communication tool, though mobile internet usage has been slow to take off. There were only 3.1 million mobile broadband subscribers in 2014,² following the deployment of 4G LTE and HSPA+ technologies in 2013.³ Revenues from mobile broadband comprised only 8 percent of PLDT's total revenues from mobile services in 2016.⁴

The slow uptake of broadband internet in the country, and the consequent low internet penetration, is largely due to steep subscription fees. The Philippines ranked 131 out of 182 countries assessed for affordability by the ITU in 2016.⁵ Average connection speeds improved slightly from last year, but the Philippines still ranked at 113 out of 146 countries for connection quality, according to Akamai.

Restrictions on Connectivity

The government ordered the shutdown of mobile phone networks during major events in a handful of cities in 2017.

The industry regulator, the National Telecommunication Commission (NTC), ordered shutdowns for festival celebrations—gatherings that often attract hundreds of people—in the cities of Cebu and Iloilo in January.⁶ Security was cited to justify the measures, with authorities referencing recent events such as a bomb threat in the U.S. embassy in Manila in November 2016. Separately, news reports said the Armed Forces of the Philippines jammed mobile phone signals during a festival in Manila.⁷

Service was also halted in Zamboanga City, a major city in the Zamboanga Peninsula approximately 935 kilometers south of Manila. All mobile services were blocked for five hours during the celebration of its Foundation Day on February 26. Terrorist groups operating in the region, such as Abu Sayyaf, Moro National Liberation Front, Moro Islamic Liberation Front, and newly-formed Bangsamoro Islamic Freedom Fighters, have been reported to use mobile phones to detonate explosives in the past. Subscribers received text messages from service providers citing a directive from the NTC to block network coverage for security reasons.⁸

No service disruptions were reported during the previous reporting period, though some were documented earlier. The government ordered a brief regional suspension of cellular services during the visit of Pope Francis from January 15 to 19, 2015.⁹ In a separate incident, the NTC and the Zamboan-

2 Quarterly reports to the SEC, as of September 30, 2014.

3 Lawrence Agcaoili, "Smart, Globe race to put up more 4G LTE infra sites," *The Philippine Star*, October 14, 2013, <http://bit.ly/1A8IOEa>.

4 PLDT Annual Report to the Securities and Exchange Commission.

5 ITU, *Measuring the Information Society Report 2016*, <http://bit.ly/2f1vtSK>

6 The Freeman, "During Major Sinulog events: Cell site shutdown," January 13, 2017, <https://goo.gl/AWusDO>; Glenda Sologastoa, "Telcos shut down during Dinagyang, NTC, police invoke public safety for signal jam," January 21, 2017, <https://goo.gl/rerqXA>

7 ABS-CBN News, "No drones, cellphone signals during 2017 Nazarene procession," January 4, 2017, <http://bit.ly/2j33qzZ>

8 Al Jacinto, "Cell phone services shut off in Zamboanga City," *The Manila Times*, February 26, 2017, <http://bit.ly/2qEajOS>

9 Mica Basa, "No network service? It's for Pope's safety, say telcos," *Rappler*, January 16, 2015, <http://bit.ly/18siEsm>

ga City government implemented a seven-hour shutdown after police found an improvised explosive device in a downtown plaza, informing subscribers only after the fact.¹⁰

One provider plays an outsize role in the country's infrastructure. PLDT, which was both U.S.-owned and later under considerable government influence before the sector was liberalized,¹¹ owns the majority of fixed-line connections as well as a 100,000 kilometer fiber optic network that connects to several international networks.¹² The company fully or partly owns five out of nine international cable landing stations.¹³ In 2017, PLDT was set to complete a US\$40 million international cable to link to the U.S. and Japan with a landing station in Mindanao.¹⁴

In June 2016, PLDT and Globe signed a private peering deal to exchange some local traffic for the first time, though the amount per month was capped.¹⁵ PLDT has otherwise resisted government and industry pressure to exchange traffic with other ISPs, causing much web traffic to be routed inefficiently overseas instead of domestically. In 2015, PLDT agreed to connect with the local, nonprofit Open Internet Exchange (PHOpenIX), which is maintained by the Department of Science and Technology, but only to remain in compliance to fulfill government contracts following a mandate that government agencies must use PHOpenIX as a designated Internet Exchange Point (IXP).¹⁶ Critics said the benefit was limited to government websites and failed to improve access and cut costs for the majority.¹⁷

ICT Market

The telecommunications market is dominated by PLDT and Globe who both have acquired a number of minor players in the last two decades.¹⁸ As of 2016, PLDT held the majority of fixed line internet subscriptions against Globe's 36 percent. The market for mobile services is mostly split between the two telecoms.¹⁹ PLDT reported 62.7 million mobile phone subscribers as of December 31, 2016,²⁰ while Globe had 65.3 million by the third quarter of the year.²¹

There were 400 ISPs registered with the NTC in 2013, according to most recent government data.²² All of them connect to PLDT or Globe. Internet service is currently classified as a value-added service

10 "Due to terror threats, cell phone communication shutdown in Zamboanga City," *Mindanao Examiner*, October 12, 2014, <http://mindanaoexaminer.com/due-to-terror-threats-cell-phone-communication-shutdown-in-zamboanga-city/>.

11 Mary Ann Li. Reyes, "PLDT: From voice to multi-media (First of Two Parts)," *The Philippine Star*, <http://bit.ly/1O45UKY>.

12 FMA, Citizen Lab, "An Overview of Internet Governance and Infrastructure in the Philippines," research brief, March 2017, <https://citizenlab.org/wp-content/uploads/2017/04/An-Overview-of-Internet-Infrastructure-and-Governance-in-the-Philippines.pdf>.

13 "Submarine Cable Map," *TeleGeography*, last updated March 14, 2016, <http://bit.ly/181agjA>.

14 Lorenz Marasigan, "PLDT to finish P1-billion input in fiber-optic cables in Mindanao," *Business Mirror*, February 15, 2017, <http://bit.ly/2psXLan>.

15 Eden Estopace, "PLDT, Globe sign bilateral IP peering deal," *telecomasia.net*, June 17, 2016, <http://bit.ly/2qLrRHh>.

16 FMA, Citizen Lab, "An Overview of Internet Governance and Infrastructure in the Philippines," research brief, March 2017, <https://citizenlab.org/wp-content/uploads/2017/04/An-Overview-of-Internet-Infrastructure-and-Governance-in-the-Philippines.pdf>.

17 Abe Olandres, "Details of PLDT's IP Peering agreement with PHOpenIX," *YugaTech*, September 7, 2015, <http://www.yugatech.com/telecoms/details-of-pldts-ip-peering-agreement-with-phopenix/> and NewsBytes, "Globe scoffs at PLDT peering deal with gov't Internet exchange," September 27, 2015, <http://newsbytes.ph/2015/09/27/globe-scoffs-at-pldt-peering-deal-with-govt-internet-exchange/>.

18 PLDT Annual Report 2016 and Globe Quarterly Report submitted to SEC.

19 PLDT Annual Report 2016 submitted to SEC.

20 Annual report to the Securities and Exchange Commission (SEC), as of December 31, 2016.

21 Quarterly report to the Securities and Exchange Commission, as of September 30, 2016.

22 National Statistics Office, "Philippines in Figures 2016," September 19, 2016, <http://bit.ly/2ppcWEk>.

and is therefore subject to fewer regulatory requirements than mobile and fixed phone services. Companies entering the market go through a two-stage process. First, they must obtain a congressional license that involves parliamentary hearings and the approval of both the upper and lower houses. Second, they need to apply for certification from the NTC. Globe Telecommunications has separately complained of needing to obtain 25 permits to build a single cell site, a process that can last 8 months.²³ The constitution limits foreign ownership of local businesses to 40 percent.

Until recently, the country did not have antitrust laws to promote healthy competition between businesses. But in 2015, former President Aquino signed Republic Act 10667, or the Philippine Competition Act, 25 years after it was first filed.²⁴ According to its principal author, Senator Bam Aquino, the law is “expected to eliminate cartels, and penalize anti-competitive agreements and abuses of dominant players in the markets that lead to high prices of goods and services.”²⁵ He clarified that the law “does not directly prohibit the existence of monopolies,” and will not stop an entity from maintaining its dominance in the market as long as it does not commit abuses such as driving away competition.²⁶

One attempt to break into the telecommunications market since then has failed. In September 2015, San Miguel Corporation (SMC) announced plans to enter the telecommunications industry in partnership with Australia’s Telstra Corporation,²⁷ a joint venture seen as much-needed by an industry lacking competition.²⁸ After months of talks, the venture failed when the parties could not reach a satisfactory arrangement.²⁹ Analysts accused Globe and PLDT of using legal action and lobbying to obstruct the deal.³⁰ SMC sold its telecom arm Vega Telecom Inc. to Globe and PLDT for PHP69.1 billion (\$1.48 billion) on May 30, 2016, and effectively divided a 700MHz spectrum allocation owned by San Miguel between the two dominant players.³¹ However, the Philippine Competition Commission has challenged the acquisition.³²

Regulatory Bodies

A new national body, the Department of Information and Communications Technology (DICT), oversees ICT development and regulation. Former President Benigno Aquino, Jr. signed the Department of Information and Communications Technology Act creating the agency in May 2016 before leaving office.³³

23 Claire Jiao, “Globe will hold on to frequencies regardless of PCC decision,” *CNN Philippines*, August 4, 2016, <http://bit.ly/2ptyZXB>

24 Louis Bacani, “PNoy OKs landmark Philippine Competition Act, Cabotage Law amendments,” *PhilStar.com*, July 21, 2015, <http://bit.ly/1V9oR1o>.

25 “After long wait, Congress ratifies Act penalizing cartels, abuse of dominant positions,” website of Senator Bam Aquino, July 11, 2015, <http://bit.ly/1QUHqfo>.

26 Josiah Go, “Finally, Congress passes Philippine Competition Act,” *Inquirer.net*, July 10, 2015, <http://bit.ly/1CsluuO>.

27 Chrisee Dela Paz, “San Miguel targets to double revenues in 5 years,” *Rappler*, September 20, 2015, <http://bit.ly/1nLw9Lg>.

28 Grace Mirandilla-Santos, “Impending Telstra-SMC partnership puts pressure on PH telecom,” *telecomasia.net*, October 26, 2015, <http://bit.ly/1QVdzfq>

29 David Ramli, “Telstra pulls out of Philippines venture but CEO keen for Asian acquisitions,” *The Sydney Morning Herald*, March 14, 2016, <http://bit.ly/1nHJJzj>.

30 David Ramli, “Telstra’s Philippine venture threatened by legal action, presidential lobbying,” *Sydney Morning Herald*, December 21, 2015, <http://www.smh.com.au/business/telstras-philippine-venture-threatened-by-legal-action-presidential-lobbying-20151218-glR8fo.html>.

31 Miguel R. Camus, “PLDT, Globe buy SMC telco for P69B,” *Inquirer.net*, May 31, 2016, <http://bit.ly/2ohUycG>

32 Claire Jiao, “Globe will hold on to frequencies regardless of PCC decision,” *CNN Philippines*, August 4, 2016.

33 Kathrina Charmaine Alvarez, “PNoy signs law creating Department of Information and Communications Technology,” *GMA News Online*, May 23, 2016, <http://bit.ly/25cNZb6>

The Act was intended to streamline a bureaucratic ICT regulatory framework involving multiple offices, and either abolished or absorbed existing institutions.³⁴ Three offices are now attached to the DICT: The National Privacy Commission; the Cybercrime Investigation and Coordination Center (see “Legal Environment”); and the National Telecommunications Commission, which has regulated the industry with quasi-judicial powers and developed tariff and technical regulations, licensing conditions, and competition and interconnection requirements since its creation in 1979. All three offices continue to function according to their mandate.

On June 2016, President Rodrigo Duterte appointed former Globe Telecom executive Rodolfo Salalima, as DICT Secretary.³⁵ The president also appointed three undersecretaries and four assistant secretaries, who took office in late 2016.³⁶ The law provides that the positions must be filled in by people with seven years of experience in areas including ICTs, IT service management, information security, cybersecurity, and data privacy. The first set of DICT officials was composed of four lawyers and four engineers.³⁷ Salalima attended the same law school as Duterte, and critics cited this and his previous Globe affiliation as possible conflicts of interest; he offered his resignation for personal and work-related reasons in late 2017.³⁸

Limits on Content

Content is not subject to significant government control, but reports of commenters paid to post political content increased during the coverage period. Two senators subsequently called for the investigation of disinformation being spread on Facebook. Bloggers sought media accreditation to attend events involving the president.

Blocking and Filtering

No systematic government censorship of online content has been documented in the Philippines, and internet users enjoyed unrestricted access to both domestic and international sources of information during the coverage period of this report. Internet users freely access social networks and communication apps including YouTube, Facebook, Twitter, and international blog-hosting services.

Although rare, content blocking is allowed under a law that requires ISPs to prevent access to pornographic sites.³⁹ The Department of Justice (DOJ) called on ISPs to block the Canada-based online

34 The Information and Communications Technology Office, the National Computer Center, the National Computer Institute and all units pertinent to communications under the Department of Transportation and Communications were among the abolished offices.

35 Trisha Macas, Gma News, Amanda Lago, “Duterte schoolmate to be first DICT secretary,” *GMA News Online*, June 22, 2016, <http://bit.ly/2q7V2Dp>.

36 Newsbytes Philippines, “Pioneering set of DICT officials formally assumes office,” *Newsbytes.ph*, September 15, 2016, <http://bit.ly/2qJlRjj>.

37 Newsbytes Philippines, “Malacanang appoints 3 new assistant secretaries for DICT,” *Newsbytes.ph*, November 21, 2016, <http://bit.ly/2qJYabr>.

38 Alexis Romero, “DICT Chief Rodolfo Salalima Resigns,” *The Philippine Star*, September 20, 2017, <http://www.philstar.com/headlines/2017/09/21/1741368/dict-chief-rodolfo-salalima-resigns>; “Source: DICT chief Salalima offers to quit due to ‘bureaucracy and politics,’” *Inquirer*, September 21, 2017, <http://newsinfo.inquirer.net/932467/rodolfo-salalima-dict-resignation>

39 TJ Dimacali, “ISPs tasked to block just child porn, not all adult sites – NTC,” *GMA News Online*, March 17, 2014, <http://bit.ly/1FnJD5x>.

dating site Ashley Madison in 2014, but retracted it a month later.⁴⁰ No disproportionate blocking of online content has otherwise been documented.

In February 2014, the Supreme Court ruled against Section 19, the infamous “takedown” clause of the 2012 Cybercrime Prevention Act that would have allowed the Department of Justice to “restrict or block” overly broad categories of content without a court order;⁴¹ however, it upheld other provisions criminalizing online libel (see “Legal Environment”).

Content Removal

The government does not usually order removal of online content. One exception in early 2015 involved an online video depicting the killing of 44 members of the Philippine National Police Special Action Force in Mamasapano, Maguindanao, in the southern Philippines, allegedly by Muslim insurgents. The video went viral on YouTube, eliciting public anger against the uploader of the video as well as the perpetrators, on grounds that sharing the footage was insensitive to the families. The Office of the President ordered the uploader to take down the video, but the individual refused to comply and it remained accessible.⁴²

The Magna Carta for Philippine Internet Freedom, filed by the late Senator Miriam Defensor Santiago in 2013, attracted widespread support and discussion on social media,⁴³ particularly a provision that “provides for court proceedings in cases where websites or networks are to be taken down and prohibits censorship of content without a court order.”⁴⁴ The legislation was later absorbed into another bill creating a government agency for ICTs (see “Regulatory Bodies”). The requirement for a court order to support content removal requests was not included when it passed in 2016.⁴⁵ Supporters hope the original legislation will be reintroduced.

Google occasionally reports receiving content removal requests from the Philippine government or law enforcement agencies. The most recent examples, four dating from 2015, involved defamation and drug abuse; the company said it did not comply.⁴⁶

Media, Diversity, and Content Manipulation

Reports of commenters paid to manipulate the online information landscape increased during the coverage period. News reports citing individuals involved said the commenters, which they characterized as part of a “keyboard army,” could earn at least PHP500 (US\$10) a day operating fake social

40 Agence France-Presse, “DOJ seeks to block adultery website Ashley Madison,” *GMA News Online*, November 30, 2014, <http://bit.ly/1Emkir6>.

41 Rep. Act 10175 (2012), <http://bit.ly/1wjGai4>.

42 Andrea Calozzo, “Palace: Take down video of Mamasapano clash,” *GMA News Online*, February 11, 2015, <http://bit.ly/1x5MrmH>.

43 “Pinoy netizens welcome Miriam’s online rights bill,” *ABS-CBN News*, July 4, 2013, <http://bit.ly/1xp4iQ0>. Its counterpart, House Bill No. 1086, was also filed in House of Representatives; Center for Media Freedom and Responsibility, “Update: the Cybercrime Prevention Act of 2012,” September 12, 2013, <http://bit.ly/1BGpYez>.

44 Norman Bordadora, “Santiago Proposes Magna Carta for Internet,” *Inquirer*, December 1, 2012, <http://bit.ly/18rVQt6>; Louis Bacani, “‘Crowdsourcing’ bill allows citizens’ online participation in lawmaking,” *The Philippine Star*, July 4, 2013, <http://bit.ly/1DnofxQ>.

45 Republic Act 10844, *Official Gazette*, May 23, 2016, <http://www.gov.ph/2016/05/23/republic-act-no-10844/>.

46 Google Transparency Report, Requests to Remove Content, “Philippines,” <https://www.google.com/transparencyreport/removals/government/PH/?hl=en>.

media accounts supporting President Rodrigo Duterte or attacking his detractors.⁴⁷ Other reports put the figure at PhP2,000-3,000 (\$40-60) a day.⁴⁸ Some reports noted the use of automated accounts or bots to spread political content.⁴⁹ Similar content was also posted by volunteers.

Both state and non-state actors actively use the internet as a platform to discuss politics, especially during elections, and the phenomenon of manipulation is not new. One commenter admitted being active in political campaigns dating back to 2010.⁵⁰ But reports published in the last year provided the clearest evidence to date of widespread online campaigning with undeclared sponsorship.

Most of the activity was concentrated around the 2016 election. Though he had fewer resources than his opponents, Duterte directed much of his budget to fund social media campaigns before his surprise victory.⁵¹ Social media users also admitted to being approached by a supporter of Duterte's candidacy to "make noise" and demonstrate his popular backing.⁵² Many of the accounts "continue to spread and amplify messages of support of [Duterte's] policies now he's in power,"⁵³ though it is not clear whether they are working with official government channels.⁵⁴

Two senators subsequently called for the investigation of disinformation being spread on Facebook. In January 2017, Senators Antonio Trillanes IV and Francis Pangilinan separately filed resolutions in the Senate to investigate the manipulation of public opinion through the spread of "false, erroneous, distorted, fabricated and/or misleading news and information,"⁵⁵ and the liability of social media companies for allowing it, respectively. Pangilinan's resolution sought to explore penalties for companies like Facebook through a possible amendment to the Cybercrime Prevention Act.⁵⁶ There have been no explicit government restrictions in place against any social media or communication applications in the past.

In 2017, a prominent blogger asked the president for access to official events. Until then, only professional journalists who are affiliated with media organizations could receive accreditation to cover events involving the president, through the Malacañang Press Corps. In response to the request, the government issued draft guidelines for social media publishers and users to obtain temporary accreditation for specific events. The draft set some eligibility requirements such as registering with the government,⁵⁷ having at least 1,000 followers, and publishing consistently for at least 12 months.

47 Rizal Raoul Reyes & Mia Rosienna Mallari, "Money and credulity drive Duterte's 'keyboard army'," *Business Mirror*, November 27, 2016, <http://bit.ly/2gxjT1K>

48 Eric S. Caruncho, "Confessions of a troll," August 28, 2016, *Inquirer.net*, <http://bit.ly/2oEf9ZQ>

49 <http://comprop.oii.ox.ac.uk/wp-content/uploads/sites/89/2017/07/Troops-Trolls-and-Troublemakers.pdf>

50 Rizal Raoul Reyes & Mia Rosienna Mallari, "Money and credulity drive Duterte's 'keyboard army'," *Business Mirror*, November 27, 2016, <http://bit.ly/2gxjT1K>

51 Sean Williams, "Rodrigo Duterte's Army of Online Trolls," *New Republic*, January 4, 2017, <https://newrepublic.com/article/138952/rodrigo-dutertes-army-online-trolls>.

52 Rizal Raoul Reyes & Mia Rosienna Mallari, "Money and credulity drive Duterte's 'keyboard army'," *Business Mirror*, November 27, 2016, <http://bit.ly/2gxjT1K>

53 Bradshaw, Howard, "Troops, Trolls and Troublemakers: A Global Inventory of Organized Social Media Manipulation," University of Oxford Computational Propaganda Research Project, working paper 2017.12, <http://comprop.oii.ox.ac.uk/wp-content/uploads/sites/89/2017/07/Troops-Trolls-and-Troublemakers.pdf>

54 Maria Ressa, "Propaganda war: Weaponizing the internet," *Rappler*, October 3, 2016, <http://www.rappler.com/nation/148007-propaganda-war-weaponizing-internet>; Sean Williams, "Rodrigo Duterte's Army of Online Trolls."

55 Maila Ager, "Trillanes wants probe on social media 'trolls,'" *Inquirer.net*, January 18, 2017, <http://bit.ly/2oFVRET>

56 Maila Ager, "Pangilinan seeks penalty vs social media for spread of fake news," *Inquirer.net*, January 19, 2017, <http://bit.ly/2ptEROS>

57 The policy requires registration with the Securities and Exchange Commission or with the Department of Trade and Industry if social media publishers are a group, partnership or corporation.

The guidelines raised particular concern because they appeared to require accredited bloggers to comply with a code of conduct drafted for official presidential communications platforms, potentially limiting their use of provocative language and requiring them to verify the truthfulness of content.⁵⁸ Bloggers who attended the first public consultation on the guidelines called for them to be modified,⁵⁹ and the code of conduct was missing from interim guidelines issued in late 2017, which only required participants to “generate news and information regarding the activities of the President.”⁶⁰

Many news websites are online versions of traditional media, which may reflect self-censorship due to the level of violence against journalists in the Philippines. Generally, though, the Philippine blogosphere is rich and thriving.

Digital Activism

Digital activism in the Philippines has had a significant impact in the past, making national and international headlines and prompting positive action from the government. However, there were no prominent online calls for action on that scale in 2016 or 2017.

Past successes include a 2013 protest against the alleged misuse of PHP 10 billion (US\$220 million) from a Priority Development Assistance Fund, locally dubbed the “pork barrel,” by senators and members of Congress. A Facebook petition called for the abolition of the fund and the filing of criminal charges against the lawmakers,⁶¹ and helped fuel nationwide protests.⁶² The Supreme Court subsequently declared the fund unconstitutional,⁶³ and three senators and several NGO officials went on to face corruption charges, while other lawmakers were still being investigated in 2017.⁶⁴

Violations of User Rights

Nearly 500 complaints of online libel were filed in 2016, and at least some cases under the Cybercrime Prevention Act have resulted in imprisonment. Lawmakers revisited a draft law that would require telecommunications providers to register prepaid SIM card owners. Technical attacks targeting media groups were reported during the coverage period of this report.

Legal Environment

The Bill of Rights of the 1987 constitution protects freedom of expression (Section 4) and privacy of communication (Section 1).⁶⁵ However, some laws undermine those protections. Libel is punishable

58 Yvette Morales, “PCOO to accredit social media publishers, users,” *CNN Philippines*, February 24, 2017, <http://bit.ly/2pqknvb>

59 Patrick Quintos, “What bloggers say about Palace social media policy proposal,” *ABS-CBN News*, February 24, 2017, <http://bit.ly/2qLk9z1>.

60 Pia Rannada, “Andanar approves ‘interim policy’ for accrediting bloggers,” *Rappler*, August 9, 2017, <https://www.rappler.com/nation/178219-interim-policy-bloggers-pcoo-andanar>.

61 David Lozada, “Aug 26 anti-pork barrel protests spread nationwide,” *Rappler*, August 24, 2013, <http://bit.ly/1Og4yMw>.

62 “Thousands join Million People March vs pork,” *ABS-CBN News*, August 26, 2013, <http://bit.ly/1Qrp8IT>.

63 Mark Merueñas, “Supreme Court Declares PDAF Unconstitutional,” *GMA News Online*, November 19, 2013, <http://bit.ly/1NkzXN2>.

64 Patricia Denise Chiu, “Govt lawyers block ex-solon’s request to be detained at Camp Crame,” *GMA News Online*, February 25, 2015, <http://bit.ly/1MCZD3Q>.

65 Cons. (1987), art. III, Bill of Rights, <http://bit.ly/1Qrp8IT>.

by fines and imprisonment under Articles 353 and 360 of the revised penal code. This has been challenging to prove in online cases which lack a physical place of publication—one of the requirements for an offline prosecution—and in 2007, a Department of Justice resolution established that the provisions do not apply to statements posted on websites.⁶⁶

Section 4c (4) of the 2012 Cybercrime Prevention Act, however, classified libel as a cybercrime. Section 6 stipulates a higher degree of punishment for online libel, with prison terms of up to eight years,⁶⁷ almost double the maximum penalty for the identical offense perpetrated offline, which is punishable by prison terms of six months to four years and two months.⁶⁸ The Supreme Court suspended implementation of the law after widespread protests, but in February 2014 ruled that the libel provision was constitutional, keeping the disproportionate penalties on the books. However, it clarified that users reacting online to a libelous post—by “liking” it, for example—could not be held liable, and struck down Sections 12 and 19 that would have allowed law enforcers to monitor and collect real-time traffic data without a court order.⁶⁹ The DOJ released Implementing Rules and Regulations (IRR) governing the act in 2015 (see “Surveillance, Privacy, and Anonymity”),⁷⁰ establishing the Cybercrime Investigation and Coordinating Center, a central investigative body under the Office of the President.⁷¹

Other pending legislation could strengthen internet freedom. Senator Teofisto Guingona III filed a crowdsourcing bill in 2013. Also known as Senate Bill No. 73, the act would allow citizens to participate in the legislative process through the use of ICTs, and require lawmakers to include citizens’ comments in committee reports concerning pending bills. If passed, it would make some important measures mandatory: People’s committee hearings to be held in Congress (Section 6); continuous online participation by citizens while debates are being held on the floor (Section 7); and a pre-approval consultation (Section 8) wherein the president of the Philippines must allow people to send online comments about a pending bill for five days, and subsequently consider those comments for at least another three days, before signing a bill into law.⁷² In July 2016, Senator Bam Aquino filed another Crowdsourcing Act as Senate Bill No. 646. As of early 2017, neither bills had gone beyond first reading.

Prosecutions and Detentions for Online Activities

The Supreme Court’s ruling in favor of punishing online libel under the Cybercrime Prevention Act resulted in a flood of charges. The Philippine National Police Anti Cybercrime Group reported that

66 Department of Justice, Resolution No. 05-1-11895 on Malayan Insurance vs. Philip Piccio, et al., June 20, 2007. Article 353 states that, “libel is committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means.” The Department also stated that the accused are not culpable because they cannot be considered as authors, editors, or publishers as provided for in Article 360. Critics have further noted that the Revised Penal Code of the Philippines dates from 1932, long predating digital technology.

67 SC Decision, G.R. No. 203335, February 11, 2014, <http://bit.ly/1EZnzAA>; “Concurring and Dissenting Opinion,” C.J. Sereno, <http://bit.ly/1KHhICy>.

68 Purple Romero, “DOJ holds dialogue on ‘E-Martial Law,’” October 9, 2012, *Rappler*, <http://bit.ly/1NXmTx2>.

69 SC Decision, G.R. No. 203335, February 11, 2014, <http://bit.ly/1EZnzAA>.

70 Ina Reformina, “Anti-Cybercrime Law’s IRR signed after 3 years,” *ABS-CBN News*, August 13, 2015, <http://bit.ly/1Sb7gmY>.

71 Rules and Regulations Implementing Republic Act No. 10175, Otherwise Known as the “Cybercrime Prevention Act of 2012,” <http://bit.ly/1HN2kwq>.

72 SB 73 (73), “Philippine Crowdsourcing Act,” <http://www.senate.gov.ph/lisdata/15893131321.pdf>; The Guingona Project, <http://theguigonaproject.com/>.

cybercrime cases increased from 1,211 in 2015 to 1,865 in 2016. Libel topped the list of cybercrime case categories in 2016 with 494 complaints.⁷³

There is little information available about trials and sentencing, but at least some libel cases result in imprisonment. In February 2017, a court in Pasay City convicted a blogger of falsely alleging irregularities in the construction of infrastructure projects in Iloilo, sentencing him to a prison term of between two years and four months, and four years and two months.⁷⁴ News reports said the blogger had failed to substantiate some of the allegations involved in a public hearing in 2014.⁷⁵

The most prominent online libel case during this reporting period was filed by a motorist against the chief editor and four staffers of *Top Gear Philippines* magazine. The magazine's Facebook page wrongly identified the motorist as the owner of a vehicle that killed a cyclist and injured a bystander in a road rage incident in Manila on July 25, 2016. Police later found the perpetrator and the motorist was cleared. The case of mistaken identity created a serious online backlash against the motorist who reported receiving threats to his safety. The chief editor apologized and has since resigned.⁷⁶

In another example in Cebu City, an American employee of a business process outsourcing firm was sued after posting claims about a colleague's character and behavior on Facebook. He was indicted in court and was out on bail as of mid-2017.⁷⁷

Surveillance, Privacy, and Anonymity

There are no restrictions on anonymous communication in the Philippines. The government does not require user registration for internet and mobile access, and prepaid services are widely available, even in small neighborhood stores. In 2015, the Senate renewed a proposal to make prepaid SIM card registration mandatory amid reports of increasing cybercrime, particularly child pornography. Senator Vicente Sotto III, the same lawmaker who pushed for online libel to be included in the cybercrime law,⁷⁸ presented the Cellphone Registration Act, meeting opposition from the telecommunications industry. Globe stated that the bill violated people's right to privacy, citing the absence of data privacy in the bill;⁷⁹ and their right to communicate, citing a provision that prohibits people under the age of 15 from owning a registered SIM card.⁸⁰ The bill stalled, but Sotto revived it during the reporting period, renaming it the SIM Card Registration Act of 2016.⁸¹ In early 2017, it had not gone beyond first reading.

In 2015, the government issued rules under the Cybercrime Prevention Act, clarifying some sections of the law that pertain to surveillance (see "Legal Environment"). ISPs must collect and preserve data for up to six months on request. Law enforcement authorities tasked with investigating cybercrime,

73 Katerina Francisco, "Online libel tops cybercrime cases in the Philippines for 2016," *Rappler*, January 27, 2017, <http://bit.ly/2oEktwm>

74 Nestor P. Burgos Jr., "Drilon critic sentenced to up to 4 years in prison for libel," *Inquirer*, February 20, 2017, <http://newsinfo.inquirer.net/873485/drilon-critic-sentenced-to-up-to-4-years-in-prison-for-libel>.

75 GMA, "Drilon's accuser admits having no evidence of graft in Iloilo Center" November 13, 2014, <http://www.gmanetwork.com/news/news/nation/387881/drilon-s-accuser-admits-having-no-evidence-of-graft-in-iloilo-center/story/>

76 Virgil Lopez, "Nestor Punzalan files online libel complaint vs. Top Gear Philippines editors at NBI," *GMA News Online*, August 12, 2016, <http://bit.ly/2on9qFU>

77 Gerome M. Dalipe, "BPO senior manager faces online libel case," *SunStar Cebu*, October 24, 2016, <http://bit.ly/2on6ngR>

78 Norman Bordadora, "Sotto admits he proposed online libel provision," *Inquirer.net*, October 2, 2012, <http://bit.ly/1MsuUw9>.

79 Anna Estanislao, "Senate discusses Cellphone Registration Act," *CNN Philippines*, August 11, 2015, <http://bit.ly/1RITRK8>.

80 Leila B. Salaverria, "Telecom firms oppose SIM card registration bill," *Inquirer.net*, August 12, 2015, <http://bit.ly/1odQjhb>.

81 Katrina Domingo, "Senate pushes for nationwide SIM card registration," *ABS-CBN News*, September 14, 2016, <http://bit.ly/2c8fjHl>.

the National Bureau of Investigation and the Philippine National Police cybercrime unit, require a court order to access computer data (Section 13).⁸²

A 2012 Data Privacy Act established parameters for the collection of personal financial information and an independent privacy regulator.⁸³ Other laws with privacy implications include the Anti-Child Pornography Act of 2009 which explicitly states that its section on ISPs may not be “construed to require an ISP to engage in the monitoring of any user,”⁸⁴ though it does require them to “obtain” and “preserve” evidence of violations, and threatens to revoke their license for noncompliance. Section 12 of the law also authorizes local government units to monitor and regulate commercial establishments that provide internet services. Under the Human Security Act of 2007, law enforcement officials must obtain a court order to intercept communications or conduct surveillance activities against individuals or organizations suspected of terrorist activity.⁸⁵

Google reported two official requests for user data in the second half of 2016, but said it did not comply.⁸⁶ Facebook reported 7 official requests involving 10 accounts during the same period, and produced data in 30 percent of cases based on emergency requests. The company said it would also preserve 116 account records for 90 days pending legal requests in criminal investigations, based on 64 preservation requests.⁸⁷

Intimidation and Violence

There were no reports of physical violence targeting internet users during the coverage period of this report.

Violence against journalists is a significant problem in the Philippines. As of early 2017, the Committee to Protect Journalists reported that at least 78 Philippine journalists had been killed in relation to their work—most covering political issues like corruption—since 1992.⁸⁸ An entrenched culture of impunity for these attacks sends the message that individuals exercising free speech can be attacked at will. During his first press conference a month before being sworn in, President Rodrigo Duterte said that journalists taking bribes or getting paid to attack or defend politicians deserved to be killed.⁸⁹ Duterte has continued to accuse journalists of unfair reporting.⁹⁰

82 “Implementing Rules and Regulations of Republic Act No. 10175,” August 12, 2015, <http://www.officialgazette.gov.ph/2015/08/12/implementing-rules-and-regulations-of-republic-act-no-10175/>; B:Inform, “Philippine Government Issues Implementing Rules Under Cybercrime Law - Part I” March 31, 2016, <http://www.bakerinform.com/home/2016/3/31/philippine-government-issues-implementing-rules-under-cybercrime-law-part-i>.

83 Alec Christie and Arthur Cheuk, “Australia: New tough privacy regime in the Philippines Data Privacy Act signed into law,” DLA *Mondaq*, October 27, 2012, <http://bit.ly/1HV5Gie>; Rep. Act 10173 (2012), <http://bit.ly/PcYtpj>; Janette Toral, “Salient Features of Data Privacy Act of 2012 – Republic Act 10173,” *Digital Filipino*, December 17, 2012, <http://bit.ly/1Clq5hl/>.

84 Rep. Act 9775 (2009), “Anti-Child Pornography Act of 2009,” <http://bit.ly/1Nsh2Y>.

85 Rep. Act 9372 (2007), “Human Security Act,” <http://bit.ly/1UJSzXj>.

86 Google Transparency Report, Security and Privacy, “Philippines,” <https://www.google.com/transparencyreport/userdatarequests/PH/>.

87 Facebook, Government Requests Report, “Philippines, July 2016-December 2016,” <https://govtrequests.facebook.com/country/Philippines/2016-H2/>.

88 Committee to Protect Journalists, “77 Journalists killed in Philippines since 1992/Motive Confirmed,” Accessed April 18, 2017, <http://bit.ly/1DrMpre>.

89 Agence France-Presse, “Duterte endorses killing corrupt journalists,” *Inquirer.net*, June 1, 2016, <http://bit.ly/1P3ClpP>; Katerina Francisco, “Journalists’ groups hit Duterte’s justification of media killings,” June 1, 2016, <http://bit.ly/29n04EV>.

90 Audrey Morallo, “Duterte blasts media organizations for ‘unfair, twisted’ coverage,” *philstar.com*, March 30, 2017, <http://bit.ly/2pqW402>.

Technical Attacks

Technical attacks targeting media groups were reported during the coverage period of this report. The website of the Philippine Center for Investigative Journalism (PCIJ) was disabled in July 2016 after publishing reports about Duterte's war on drugs.⁹¹ In January 2017, the National Union of Journalists of the Philippines reported that its website had been temporarily disabled in a "massive denial of service attack." The reason for the attack was not clear, but the Union said it was an attempt to silence critical speech.⁹² The group had earlier condemned the PCIJ attack, and separately criticized Duterte's remarks about journalism shortly before the attack.⁹³

Other technical attacks target government institutions, potentially obstructing citizens seeking information. Dozens of government websites were reportedly attacked following the decision of the Permanent Court of Arbitration on the territorial dispute between China and the Philippines in the South China Sea. The origin of the attacks has not been established.⁹⁴ The Court ruled in favor of the Philippines on July 12, 2016.⁹⁵ In previous years, the hacktivist group Anonymous Philippines attacked or threatened several government websites, including in advance of May 2016 elections.⁹⁶

91 Yuji Vincent Gonzales, "NUJP hits 'cyber-vigilantism' after PCIJ website attacks," *Inquirer*, July 29, 2016, <http://newsinfo.inquirer.net/800979/nujp-hits-cyber-vigilantism-after-pcij-website-attacks>

92 "Hackers hit journalists' website," GMA, January 9, 2017, <http://www.gmanetwork.com/news/scitech/technology/595190/hackers-hit-journalists-website/story/>

93 Center for Media Freedom and Responsibility, "NUJP Website Attacked," January 10, 2017, <http://cmfr-phil.org/press-freedom-protection/attacks-and-threats-against-the-media/alerts/nujp-website-attacked/>

94 Janvic Mateo, "68 gov't websites attacked," *philstar.com*, July 16, 2016, <http://bit.ly/2rKh7be>.

95 Patricia Lourdes Viray, "The verdict: Philippines wins arbitration case vs China," *philstar.com*, July 12, 2016, <http://bit.ly/2q8RzEB>.

96 "Anonymous warns: Virus will infect voting machines if receipts feature turned off," *InterAksyon.com*, March 23, 2016, <http://bit.ly/1RsZmDq>.